





OUTSTANDING UNIVERSAL VALUES OF THE MALAYSIAN FORESTS




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ABSTRACT

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Two national parks in Malaysia have been recognized by the Convention Concerning the Protection of the World's Cultural and Natural Heritage as the world heritage sites; the Gunung Mulu National Park and Kinabalu Park. None of the forest in Peninsular Malaysia has achieved that status but four have made it through the nomination list. The Malaysian government's recent initiative was to list three reserved areas, namely the Forest Research Institute Malaysia (FRIM), the Royal Belum National Park and the Gombak Selangor Quartz Ridge. The nomination for the UNESCO World Heritage Site is indeed a good move in protecting the Malaysian forest. Even though there is no direct mention of 'forest' stated under the Convention, it tacitly indicates the importance of the conservation of natural forest habitat for flora and fauna and a heritage for humankind. An outstanding forest site shall be conferred a world heritage status when it possesses at least one of the criteria of an Outstanding Universal Value or OUV. Ten criteria are listed as OUV in the Operational Guidelines for the Implementation of the World Heritage Convention and it is divided as a cultural or natural heritage. This paper explores on the OUV of Malaysian forests, either included in or nominated to the World Heritage List. It describes the different OUV opted by different forest and that exemplifies the diversity and uniqueness of Malaysian forest.

1. INTRODUCTION

In 2001, the Global Diversity Outlook recognized Malaysia as one of the twelve mega-biodiversity nations in the world. Malaysian forests are considered as among the oldest rainforests in the world and is the second richest flora and fauna species per unit area in the South East Asia. Ecotourism are the most common activities in the Malaysian forests and national parks and visitors enjoy jungle trekking, bird watching, canopy walking and boating in these beautiful and exciting natural sites. Forests are indeed the earth's living heritage and must be protected for the benefits of the present and future generations. Two of the Malaysian forests, Kinabalu National Park and Mulu National Park, have been conferred with a UNESCO World Heritage status, while four forests have entered into the UNESCO World Heritage Tentative Lists; FRIM Selangor Forest Park, Gombak Selangor Quartz Ridge, Royal Belum State Park and Taman Negara Malaysia. This paper clarifies and distinguishes the chosen OUV criteria of these outstanding forests as they represent the exceptional quality of Malaysian forests.

2. HERITAGE OF MALAYSIA

In the Malaysian context, the National Heritage Act (NHA) 2005 defines national heritage as “any heritage site, heritage object, underwater cultural heritage or any living person declared as National Heritage under section 67”. Under section 67 NHA 2005, matters that will be taken into account by the Minister before declaring a national heritage includes amongst others; the historical importance, the good design or aesthetic characteristics, the social or cultural associations, the rarity or uniqueness of the natural heritage, tangible or intangible cultural heritage or underwater cultural heritage. In this regard, heritage is definably in two categories ([National Heritage Act \(Malaysia\), 2005](#)):

- i. cultural heritage; which includes tangible or intangible form of cultural property, structure or artifact and may include a heritage matter, object, item, artifact, formation structure, performance, dance, song, music that is pertinent to the historical or contemporary way of Malaysians, on or in land or underwater cultural heritage of intangible form but including natural heritage
- ii. natural heritage; which includes natural feature of any area in Malaysia which may consist of earthy physical or biological formation or group of such formations, geological or physiographical features, mountains, river, stream, rock formation, sea shore or any natural sites of outstanding value whether nature, science, history conservation or natural beauty including flora and fauna of Malaysia.

These definitions are derived from the basic texts of the Convention concerning the Protection of the World Cultural and Natural Heritage 1972 (also known as World Heritage Convention) published by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The WHC has also divided heritage into the cultural and natural heritage and extends the definition of cultural heritage into tangible and intangible heritage. Tangible heritage are movable cultural heritage like paintings, sculptures, coins, manuscripts, and immovable cultural heritage such as monuments, archaeological sites, while underwater cultural heritage includes shipwrecks, underwater ruins and cities, while intangible cultural heritage refers to oral traditions, performing arts and rituals ([Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972](#)). The natural heritage had been defined by UNESCO as natural sites with cultural aspects such as cultural landscapes, physical, biological or geological formations ([CCPWCNH, 1972](#)). In general, heritage are related to historic remains, buildings, artifacts, monument, cultures and other relevant aspects, and not the natural sites.

To date, there are only eight natural sites which have been given the status as the natural heritage sites in Malaysia ([National Department of Heritage, 2018](#)):

- i. Mulu State Park
- ii. Kinabalu State Park
- iii. Royal Park Belum
- iv. Perdana Lake Park
- v. Forest Research Institute Malaysia (FRIM)
- vi. Gunung Ledang State Park
- vii. Tanjung Piai State Park
- viii. Tiger Cave

Out of these, the Mulu State Park and the Kinabalu State Park are World Heritage Sites, while the Royal Park Belum and FRIM have been recently listed in the Tentative List. It is interesting to learn that as a small country, Malaysia has several sites which has outstanding values and has been regarded as the world heritage sites.

3. OUTSTANDING UNIVERSAL VALUE (OUV)

In order to be listed in the Tentative List, state parties must ensure that their heritage sites have met one or many criteria of Outstanding Universal Value (OUV) set out in the Operational Guidelines for the Implementation

of the World Heritage Convention 2005 ([Operational Guidelines for the Implementation of the World Heritage Convention, 2005](#)). The Operational Guidelines facilitates the implementation of the World Heritage Convention as it lays down the process for nomination to the World Heritage List to the procedures for providing assistance to the world heritage sites under the World Heritage Fund. Paragraph 49 Chapter II.D of the Operational Guidelines, OUV means “cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity” and “the permanent protection of this heritage is of the highest importance to the international community as a whole” ([OGIWHC, 2005](#)).

It is important to note that not all property of national or regional importance will automatically be inscribed on the World Heritage List, but only the most outstanding of them from an international viewpoint. In this regards, the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage will consider a property as having OUV if the property meets one or more criteria in Paragraph 77 Chapter II.D ([OGIWHC, 2005](#)):

- i. *a masterpiece of human creative genius;*
- ii. *an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;*
- iii. *an exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;*
- iv. *an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates a significant stage in human history;*
- v. *an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture, or human interaction with the environment especially when it has become vulnerable to changes;*
- vi. *associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance.*
- vii. *contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;*
- viii. *an outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes, or significant geomorphic or physiographic features;*
- ix. *an outstanding examples of ongoing ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems, plants and animals;*
- x. *contain threatened species of outstanding universal value from the point of view of science or conservation.*

It appears that out of the ten criteria, only four is relevant to the natural heritage like forest or national parks, i.e. from criteria (vii) to (x). The following discussion explains the chosen OUV of each Malaysian forest which have been regarded as the World Heritage.

i) The Mulu National Park



Source: [UNESCO \(2018\)](#)

The Mulu National Park in Sarawak is famous for its high sandstone pinnacle and its largest cave chamber in the world. As such, the park meets all OUV criteria for natural heritage:

- (vii) exceptional natural beauty
- (viii) outstanding example of major changes in the earth's history
- (ix) habitat for over 200 species of cave fauna and displays outstanding examples of ongoing ecological and biological processes
- (x): contain the richest assemblages of flora to be found in any area of comparable size in the world.

ii) The Kinabalu National Park Sabah



Source: UNESCO (2018)

The Kinabalu park is the home to the highest mountain in the Southeast Asia and is a granite intrusion formed 15 million years ago. The park meets two OUV:

(ix): an exceptional array of naturally functioning ecosystems

(x): a globally important Centre of Plant Endemism with an estimated 5,000-6,000 vascular plant species

There are four parks or forests which have been nominated and has entered into the World Heritage Tentative List, started by the National Park (Taman Negara) of Peninsular Malaysia in 2014, and three sites in 2017 which are the FRIM Selangor Forest Park, the Gombak Selangor Quartz Ridge and the Royal Belum State Park. The following explains the different OUV chosen by the sites and to be considered by the WHC Committee.

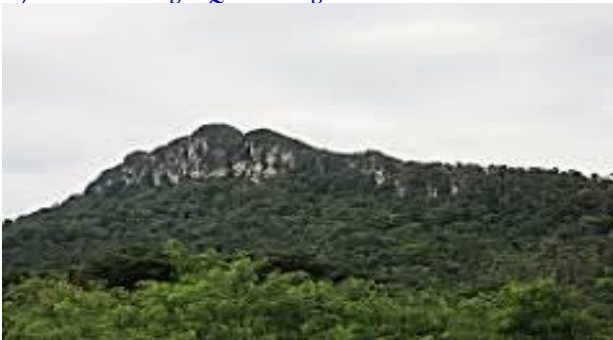
This park was formed 130 million years ago and housed a diverse, rare and endangered floras and fauna (criterion ix). All endemic plant and rare animal species are regarded as an outstanding national, regional and universal value in term of science and conservation (criterion x).

iii) Taman Negara, Peninsular Malaysia



Source: UNESCO (2018)

iv) Gombak Selangor Quartz Ridge



Source: UNESCO (2018)

The government of Malaysia has chosen criterion (vii) as the OUV of this stunning quartz ridge. It is believed to exist since 200 million years ago, and has undergone natural geological processes and collision from the Early Paleozoic to the Early Jurassic era, until crafted into a highly resistant and beautiful quartz dyke. The site is also home to endemic plant populations (Wong *et al.*, 2010).

v) Royal Belum State Park



Source: UNESCO (2018)

The Royal Belum State Park chooses criterion (x) as it is a significant natural ecosystems and is the largest pristine habitats and ecosystems for in situ conservation of both terrestrial and freshwater biodiversity in Malaysia and the world. Amongst the world's most threatened mammals and hornbills are also in the park due to the complex structure of the Royal Belum State Park (Misni *et al.*, 2017).

vi) FRIM Selangor Forest Park



Source: UNESCO (2018)

Forest Research Institute Malaysia (FRIM) is the most unique submission by Malaysia since it is not a natural forest, but was an extensive experimental forest plantation of 100 years old (Ali *et al.*, 2007). The original forest was stripped of by tin mining operation, but in 1920s, the British used the area as a massive experimental plots and plantation. As a manmade forest, its OUV must come from the cultural heritage criteria (v) as FRIM is an outstanding example of a traditional human settlement and land-use, which is representative of a culture, or human interaction with the environment.

4. CHALLENGES IN SAFEGUARDING THE MALAYSIAN FORESTS AS THE WORLD HERITAGE SITES

It is important to note that claiming OUV is not necessarily an easy task as it comes with great rights and responsibilities. In particular, Paragraph 77 of the Operational Guidelines requires member states whose property achieves one or more criteria of OUV to meet the conditions of integrity and authenticity. The elements of authenticity is satisfied with knowledge and understanding of the sources of information, in relation to original and subsequent characteristics of the cultural heritage and only applies to heritage sites which have chosen criteria (i) to (vi) (OGIWHC, 2005). This will be a real test for FRIM Selangor Forest Park as it is actually a hybrid of a natural heritage.

In terms of integrity which is a measure of the wholeness and intactness of the natural or cultural heritage and its attributes, different requirements apply to both category. Paragraph 89 of the Operational Guidelines necessitates properties nominated under criteria (i) to (vi) to ensure the physical fabric of the property and its significant features to be in good condition and to control the impact of deterioration processes; while Paragraph 90 requires properties nominated under criteria (vii) - (x) to ensure its biophysical processes and landform features to be relatively intact. Changes is only acceptable if the activities are consistent with the OUV of the area and are ecologically sustainable (Kamarudin *et al.*, 2015). Again, FRIM will face a unique experience in maintaining its integrity as a cultural heritage rather than a natural heritage.

Besides fulfilling the requirements of authenticity and integrity, all nominated heritage sites must possess an adequate protection and management system to ensure its safeguarding. In this respect, Chapter II.F of the Operational Guidelines particularly provides that (OGIWHC, 2005):

"All properties inscribed on the World Heritage List must have adequate long term legislative, regulatory, institutional and/or traditional protection and management to ensure their safeguarding. This protection should include adequately delineated boundaries. Similarly, States Parties should demonstrate adequate protection at the national, regional, municipal and/or traditional level for the nominated property. They should append appropriate text to the nomination with a clear explanation of the way this protection operates to protect the property".

With four forests and parks under the WHC Tentative List, Malaysia must have an adequate long-term legislative, regulatory, institutional and traditional protection and management to ensure the safeguarding of these natural and cultural heritage sites. The long list of such requirement are listed from Paragraph 98 up to Paragraph 119 of the Operational Guidelines. It is also important to note that such protections must not only apply to the heritage sites but also to their buffer zones, i.e. the area surrounding the heritage sites (OGIWHC, 2005). The same laws and regulations applies to the buffer zones with the same restrictions placed on its use and development.

In the context of the federalism framework of Malaysia, the implementation of the requirements under the guideline will be a very delicate and complicated matter. The National Heritage Act (NHA) 2005 was enacted to provide for the conservation and preservation of national heritage, both natural and cultural, and the Minister shall

be responsible for issuing policies, statements or directives in relation to conservation and preservation of heritage. In this regard, the Parliament has amended the Federal Constitution in January 2005 to include the preservation of heritage in the concurrent list of the Federal Constitution. As a result of the amendment, the preservation and conservation of heritage is now placed under the jurisdiction of both the Federal and State government. This means that the federal government is empowered to administer any issues relating to heritage and simultaneously the state and local government will also be responsible for the wellbeing of heritage sites within its jurisdiction.

The NHA 2005 was passed with the basic idea of promoting the conservation and protection of heritage in Malaysia. It is supposed to give the Minister with powers to provide and issue policies, statements and directives in respect of any matter, business, strategy or conduct on the conservation and preservation of heritage under section 3(1) NHA 2005. However this power is not absolute if it affects land use and related matter which is within the jurisdiction of the state authority. The Minister is thus required to consult with the relevant state authority before he can provide or issue any policies, statements and directives (Khalid *et al.*, 2013).

One significant provision of the NHA 2005 is the commitment to conserve and incorporate a buffer zone around the site that has been designated as a heritage site, and this corresponds with the requirements under the Operational Guideline. Under section 45 of the NHA 2005, the Minister, in consultation with the National Heritage Council, shall determine the buffer zone. Again, as land-use falls under the state jurisdiction, the Minister can only nominate the adjacent areas as buffer zone upon the approval from the state authority.

5. CONCLUSION

An outstanding forest site shall be conferred a world heritage status when it possesses at least one of the criteria of OUV. For now, only the Mulu State Park has scored all criteria of OUV for natural heritage while others with one or two criteria fulfilled. The case of FRIM is interesting as it is the oldest man-made forest in the world but it has to comply with the OUV criteria under the cultural category. Either way, all heritage sites with OUV must comply with the strict requirements of authenticity and integrity, as well as possess an adequate protection and management system to ensure its safeguarding. This will be a vital test for the four Malaysian forests and parks under the WHC tentative list, especially for FRIM which must act as cultural sites rather than a natural 100 years old man-made lush green forest.

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